

REMARKS

Applicants respectfully traverse and request reconsideration.

As a preliminary matter, Applicants note that the Examiner has corrected the typographical error in the misnumbering of the claims. Applicants have included herewith the newly renumbered claims accordingly.

Claims 1-5, 7-9, 11-14, 16-21 and 23-24 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application No. 2004/0198471 (Deeds). Deeds is directed to a terminal device such as a phone that outputs a ring tone according to a predetermined mnemonic code. As set forth in the cited paragraph 42, a user may program a ring tone so that a ring tone spells out a text output, such as a received text message or a name that is associated with a sender of an incoming call in a predefined mnemonic code. “By so programming the ring tone, the user can identify events, such as incoming calls, on a user’s mobile station as well as distinguish events on the user’s mobile station from those on other mobile stations nearby.” As such, a receiver or user of a device may program the device so that the device outputs ring tones that audibly spell out a text output such as in the form of a Morse code. The sender in Deeds has no control of the modality of the receiving unit, (see e.g. cited portions of Deeds). Claim 1 deals with a mechanism to allow a sender to control by what means a recipient will be notified. Deeds teaches a different apparatus and method.

As to claim 1, for example, there is no teaching or suggestion of a sender controllable modality as the cited portion refers to a receiver – not sender – such as a user that programs the device to allow a ring tone to spell out a text output. In addition, there is no mention of any “priority command” as claimed that includes a “modality alert command” as generated by a command generator. In fact, there is no teaching or suggestion of any priority based command nor

any modality alert command, such as a command that identifies the modality through which a user alert is controlled by a sender.

The dependent claims add additional novel and non-obvious subject matter.

As to claim 5, this claim requires, among other things, a receiver that receives a communication command and a priority command from a sender device. The office action cites page 3, paragraph 30 of the Deeds reference. However, this portion is silent as to any communication command and a priority command as claimed. Accordingly, the claim is in condition for allowance.

In addition, the claim requires, among other things, a verification module, coupled to the receiver, that verifies the sender device and the priority command such that a modality alert command is provided to a notification system to override the internal modality setting. The claim also requires that the modality alert command is disposed within the notification command. The office action cites paragraphs 40 and 42 as teaching this claimed verification module. However, Applicants respectfully submit that the cited paragraph merely describes that an incoming call activates a call alert that includes, for example, a caller ID information and/or the caller operating the calling device. An event indicator is also activated. However, there is no modality alert command nor a priority command as claimed nor any overriding of an internal modality setting as claimed. Accordingly, this claim is also in condition for allowance. If the rejection is maintained, Applicants respectfully request a showing by page and line number of this claimed subject matter as it does not appear to be in the cited reference.

The dependent claims add additional novel and non-obvious subject matter.

As to claim 9, Applicants respectfully reassert the relevant remarks made above with respect to claim 1 and as such, this claim is also in condition for allowance.

The dependent claims also add additional novel and non-obvious subject matter.

As to claim 14, Applicants respectfully reassert the relevant remarks made above with respect to claim 5. Accordingly, this claim is also believed to be in condition for allowance.

The dependent claims add additional novel and non-obvious subject matter.

As to claim 20, Applicants respectfully reassert the relevant remarks made above with respect to the independent claims and as such, this claim is also in condition for allowance.

The dependent claims add additional novel and non-obvious subject matter.

Claims 6, 10, 15 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Deeds in view of U.S. Patent No. 6,867,733 (Sandhu et al.). Applicants respectfully reassert the relevant remarks made above with respect to the Deeds application and as such, these claims are also in condition for allowance. For example, as noted above, there is no received priority command from the sender device described in paragraph 42 of the Deeds reference as this paragraph describes that a user is able to determine by using the user's ears, for example, whether an incoming call is coming from a particular person or if a text message is being communicated via an audible ring tone. There is no priority command being sent by a sending device. As such, the claim is in condition for allowance. In addition, the Sandhu reference also fails to teach the use of the combination of the commands and as such, the combination of the references do not, alone or in combination, teach the claimed subject matter. As such, these claims are also in condition for allowance.

As to claims 10 and 15, Applicants respectfully reassert the remarks made above with respect to the Deeds reference and as such, these claims are also in condition for allowance.

Accordingly, Applicants respectfully submit that the claims are in condition for allowance and that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

Dated: 6/17/05

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